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FHWA-97-2176

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 383

[FHWA Docket No. MC-92-10]

RIN:2125-AC92

Mandatory Minimum Training Requirements for Operators of Longer Combination Vehicles (LCVs)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: The FHWA is requesting comments from interested parties concerning the establishment of mandatory minimum training requirements for the operators of longer combination vehicles (LCVs). This action is in response to Section 4007 of the Motor Carrier Act of 1991, which requires the Secretary of Transportation to initiate a rulemaking proceeding to establish minimum training requirements for operators of LCVs. The Congress also directed that this training include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

DATES: Comments must be received on or before March 16, 1993.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC-92-10, room 4232, HCC-10, Office of Chief Counsel, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Commenters may, in addition to submitting "hard copies" of their comments, submit a floppy disk in standard or high density formats containing data compatible with either WordPerfect or Wordstar for Macintosh or DOS based systems. Commenters should clearly label submitted disk with the software used (e.g. WordPerfect 5.0 [IBM] or Microsoft Word 4.0 [Mac]). All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry L. Robin, Standards Review Division, Office of Motor Carrier standards (202) 366-4001, or Mr. Charles Medalen, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 seventh street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Section 4007(b) of the Motor Carrier Act of 1991, (Title IV of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 195 Stat. 1914, 2151), directs the DOT to establish Federal minimum training standards for drivers of LCVs. The Act also requires that the certification of these drivers' skills and abilities be accomplished by instructors who meet certain Federal minimum requirements to assure a certain degree of quality control and uniformity. The FHWA is responsible for the promulgation of minimum Federal regulations concerning commercial motor vehicles (CMVs), including LCVs. To date, the FHWA has not mandated minimum training standards for operators of CMVs because of the substantial progress being made by the motor carrier industry in voluntarily implementing the FHWA's "The Model Curriculum for Training Tractor-Trailer Drivers," as more fully discussed below.

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In sections 4007 and 1023 of the ISTEA, LCVs are defined as "any combination of a truck tractor and two or more trailers or semi-trailers which operate on [interstate highways] with a gross vehicle weight greater than 80,000 pounds." Therefore, LCVs include turnpike doubles, Rocky Mountain doubles, triple-trailer combinations and unusually heavy western doubles. Turnpike doubles consist of a tractor and two trailers, each 45- to 48-foot long. A Rocky Mountain double is typically a combination with a semitrailer and a full trailer which normally operates with a long semitrailer and a shorter second trailer. Lengths for the first unit usually range from 45- to 53-feet and for the second unit 27- to 28½-feet. Triple-trailer combinations consist of one tractor hauling three 26- to 29-foot trailers. LCVs can also include usually heavy western doubles weighing in excess of 80,000 pounds.

Background

In the early 1980's the FHWA determined that a need existed for technical guidance in the area of truck driver training. Research at that time

had shown that many driver training schools offered little or no structured curricula or uniform training plans.

To help correct this problem, the FHWA developed, and in 1985 issued, the "Model Curriculum for Training Tractor-Trailer Drivers" (C1985, GPO Stock No. 050-001-00293-1), which incorporated the FHWA "Proposed Minimum Standards for Training Tractor Trailer Drivers" (1984). The Model Curriculum, as it is known in the industry, is a broad set of recommendations which incorporates standardized minimum core curriculum requirements and training materials, as well as standards pertaining to vehicles, facilities, instructor hiring practices, graduation requirements, and student placement. Curriculum content includes the following areas: basic operation, safe operating practices, advanced operating practices, vehicle maintenance, and nonvehicle activities.

In 1986, the Professional Truck Driver Institute of America (PTDIA) was created by the motor carrier industry to certify acceptable training programs offered by the truck driver training schools. The Model Curriculum, although modified to meet the needs of this organization, is the fundamental base from which the PTDIA's certification criteria was derived. In mid-1988, the PTDIA began certifying driver training programs across the country. Currently, approximately 50 programs at 34 schools in operation have received the PTDIA certification.

The Model Curriculum (and hence the PTDIA program) addresses all critical aspects of entry-level truck driver training. The Curriculum is designed so that students who completed it can be expected to perform actual tractor-trailer driving skills competently and safely. However, it is geared to the education of drivers of single trailer combinations, not LCVs. A void therefore exists in the Model Curriculum in the areas of classroom and on-the-road driver training instruction specifically for the operation of LCVs.

The Commercial Motor Vehicle Safety Act of 1986 (the CMVSA) (Pub. L. 99-570, 100 Stat. 3207-170, title XII, October 27, 1986), although not directly targeted at driver training, was intended to improve highway safety. Its goal is to ensure that drivers of large trucks and buses possess the knowledge and skills to safely operate those vehicles on public highways. The CMVSA established the commercial driver's license (CDL) program and directed the FHWA to establish minimum national standards which States must meet when licensing CMV drivers. The CMVSA applies to anyone who operates a CMV

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intrastate, interstate, or foreign commerce, including most employees of Federal, State, and local governments. As defined by the implementing regulation (49 CFR 383.8, (1991)) a CMV is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle—

- b) Have a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 100 pounds; or
- c) Have a gross vehicle weight rating of 16,001 or more pounds; or
- d) Are designed to transport 16 or more passengers, including the driver;

e) Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, Subpart F).

In accordance with the CMVSA, all drivers of CMVs must possess a valid DL by April 1, 1992, in order to be properly qualified to operate the vehicle(s) they drive. In addition to passing the CDL knowledge and skills tests required for the basic vehicle category, all persons who operate or expect to operate the following vehicles, which have special handling characteristics, must obtain endorsements: double/triple trailers, tank vehicles, passenger vehicles, or CMVs required to be placarded for hazardous materials under 49 CFR 383.93. For the passenger vehicle endorsement the driver must pass knowledge and skills tests. For all other vehicle endorsements, the driver is required to pass only a knowledge test.

The CDL standards do not require the comprehensive training proposed in the Model Curriculum since the CDL is a "licensing standard" as opposed to a "training standard." Accordingly, there are no prerequisite mandatory Federal or State training requirements to obtain a CDL.

To begin to address the void in the Model Curriculum discussed above, the FHWA awarded a contract in February 1991 to the PTDLA to develop a recommended training curriculum outline for the operation of double/trailer units with lengths of up to 28- or 28½-feet each (often called "twin trailers" or "western doubles"), as permitted by the Surface Transportation Assistance Act of 1982 (pub. L 97-424, 96 Stat. 2097). The development of administrative guidelines necessary to evaluate an organization's

implementation of the curriculum was also an integral part of this contract. This addition to the Model Curriculum will be made available to the trucking industry and hopefully be incorporated into existing training courses and programs.

In the On Guard Bulletin for March 1991, the FHWA advised the industry against making the assumption that drivers of single trailer combination units can easily switch to driving multiple trailer units with little or no specialized training. The FHWA pointed out that the controllability and maneuverability of these multiple trailer units may differ significantly from straight and even single trailer configurations. The FHWA recommended that drivers of LCVs have adequate on-the-road and classroom training to make them aware of the variables that influence the safe operation and handling of these vehicles.

Rulemaking and Questions for Comment

To fully understand the various issues relating to this topic, the FHWA is soliciting comments on the following areas, as well as any additional issues identified by respondents.

Scope

1. As used by the motor carrier industry for many years, the term LCV means any CMV with 2 trailers (either of which is over 28½ feet long) or CMV combinations with more than 2 trailers, irrespective of length. Vehicle weight plays no part in the industry use of the term. Should the definition of LCV that will be used to develop a training requirement be expanded to include vehicles not covered by the ISTEA such as multiple-trailer combinations operating with a gross weight of less than 80,000 pounds, i.e. "twin trailers" or "western doubles"? In addition, the FHWA wishes to determine whether vehicles operating under special permit at weights over 80,000 pounds and/or straight trucks pulling single or multiple trailers with overall lengths in excess of 72 feet should be included in those vehicles used to establish a LCV training requirement.

2. What difficulties would the ISTEA definition create from an enforcement standpoint, in distinguishing which vehicles meet the definition and in determining which drivers must comply with any LCV training requirements?

Program Administration

3. Once the training requirements for LCV drivers are established, what should the FHWA's role be in assuring

that the training is actually carried out according to the minimum standards?

4. What standards are necessary to ensure that instructors, who will be the key to the efficiency and effectiveness of the LCV training, have been adequately and properly trained and are carrying out their training responsibilities in an acceptable manner?

5. Since LCV operations are allowed only under special State oversize/overweight permits, should the initial licensing of LCV instructors and certification of LCV drivers be accomplished by a Federal (FHWA or other) or State agency? How should this be accomplished?

6. From an enforcement perspective, what specific Federal, State or local agency should have the responsibility for assuring that the requirements of LCV training are met and what form of documentation should be established to prove to prospective employers that adequate LCV training has been successfully completed by a driver? Who should be held accountable if the training requirements are not met, the individual and/or a motor carrier-employer?

7. Should nonprofit, private organizations, such as PTDLA, be authorized to evaluate and certify the adequacy of LCV training programs?

Training and Licensing

8. What types of LCV driver training programs exist? please provide as much detail about cost and course length as possible.

9. Should the implementation of minimum training requirements for LCV operators be "phased in" over a certain period of time? If so, what scenario do you propose and why?

10. Should LCV training be a prerequisite for a double/triple trailer endorsement on a CDL?

11. Should all LCV drivers be required to have previous experience with single trailer vehicles? If so, how much?

12. How often should LCV training be offered/repeated for both instructors and drivers?

13. Do specialized vehicle combinations such as triples or those handling special cargo require different training standards?

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not major within the meaning of Executive Order 12291. However, because of the public interest in

commercial motor vehicle **safety**, this notice **is considered** significant within the meaning of Department of Transportation **regulatory** policies and **procedures**. For **this** reason and **pursuant** to Executive Order 12498, this **rulemaking** action has been included on the Regulatory **Program** for significant rulemaking actions.

Due to the preliminary nature of this document **and the resulting lack of necessary information on costs**, the FHWA is **unable to evaluate** the economic **impact of a regulatory requirement for mandatory training for LCV drivers**. **Based on the information** received in response to this **Notice**, the FHWA **intends to carefully consider** the costs and **benefits** associated with the various **alternative requirements**. **Comments, information and data are solicited** on the economic impact of this rulemaking.

Regulatory Flexibility Act

Although the **Regulatory Flexibility Act** (Pub. L. 96-354; 5 U.S.C. 601 *et seq.*) does not apply to an ANPRM, the agency **has** evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA certifies that this rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and **it has been determined** that this action does **not have** sufficient federalism implications to warrant the preparation of a federalism assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance **Program** Number 20.217. Motor Carrier Safety. The **regulations implementing Executive Order 12372** regarding intergovernmental **consultation on Federal** programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a **collection** of information **requirement** for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

National Environmental Policy Act

This agency **has analyzed this** action for the purpose of the **National Environmental Policy Act of 1969** (42 U.S.C. 4321 *et seq.*) and **has determined** that **this action would not have any effect on the quality of the environment**.

Regulation Identification Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the United Agenda of Federal Regulations, The Regulatory Information Service Center published the Unified **Agenda** in April and October of each year. **The RIN** number contained in the heading of this document **can** be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 383

Commercial driver's license testing and licensing standards, Highways and roads, **Motor vehicle** safety.

Issued on January 8, 1993.

T. D. Larson,
Administrator.

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